

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DALE YLITALO, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

AUTOMATIC DATA PROCESSING,
INC., ADP, INC., and AMERICAN
CENTURY INVESTMENT
SERVICES, INC.,

Defendants.

Case No. 2:24-cv-07635-JKS-LDW

Hon. Jamel K. Semper, U.S.D.J.

Hon. Leda Dunn Wettre, U.S.M.J.

DECLARATION OF MICHAEL A. GUERRA

1. My name is Michael Guerra. I am a counsel at Venable LLP, which is counsel for Defendants Automatic Data Processing, Inc. (“Automatic”) and ADP, Inc. (with Automatic, “ADP”) in the above-captioned case.

2. Unless otherwise stated, I have personal knowledge of the facts stated herein.

3. The declaration is given in support of ADP’s Motion to Dismiss Plaintiffs’ Class Action Complaint.

4. Attached hereto, as Exhibit A, is a true and correct copy of the August 4, 2023 Simple IRA Administrative Services (and other related agreements) between

Plaintiffs and ADP, Inc. To preserve confidentiality, this document has been filed under seal. In accordance with this Court's local rules, a motion to seal will be filed after briefing is completed.

5. Attached hereto, as Exhibit B, is a true and correct copy of the complaint filed in *Ylitalo, et al. v. Automatic Data Processing, Inc. et al.* (M.D. Fla.).

6. Attached hereto, as Exhibit C, is a true and correct copy of defendant Automatic's motion to dismiss the complaint filed in *Ylitalo, et al. v. Automatic Data Processing, Inc. et al.* (M.D. Fla.).

Under penalty of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Dated: New York, New York
July 25, 2025

/s/ Michael A. Guerra
Michael A. Guerra